



~~U.S.~~ PATENT
Customer No. 22,852
Attorney Docket No. 7528 0003-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Todd J. MORTIER et al.

Application No.: 09/981,790

Filed: October 19, 2001

For: VALVE TO MYOCARDIUM
TENSION MEMBERS DEVICE
AND METHOD

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) Group Art Unit: 3738
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) Examiner: D. Willse
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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached Form PTO 1449. This Information Disclosure Statement is being filed along with a Request for Continued Examination in the above-referenced application.

Copies of the listed documents are attached. Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached Form PTO 1449.

The following statements are provided regarding the non-English language document:

1. **DE 298 24 017 U1** - This document is believed to be related to WO

98/58598 submitted with the Information Disclosure Statement filed May 28, 2003. An

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English language abstract of WO 98/58598 also was submitted with the Information Disclosure Statement filed May 28, 2003.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the U.S. Patent Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement and not otherwise provided herewith, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: December 22, 2003

By: *Susanne T. Jones*
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